

Hazardous Waste Permitting/Approval Process and Public Notice

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Anyone (applicant) Proposing to build and operate a facility needing a hazardous waste permit must:

- Submit an application to IDEM on forms provided by the U.S. Environmental Protection Agency (EPA).
- Hold an informal public meeting before submitting a permit application to IDEM. This is referred to as a pre-application meeting, and its purpose is for the applicant to explain the plans for building and operating the facility. Advertisement of the meeting must include a sign at or near the property of the proposed facility, radio or television announcements, and a newspaper display advertisement.

When an application is received, IDEM will:

- Send a notification to all individuals who attended the business's pre-application meeting.
- Review the application documents and work with the applicant to ensure all necessary information has been submitted. IDEM will send comments (known as Notice of Deficiency (NOD) to the applicant to request and receive information if necessary.
- Make a tentative ("draft") decision to deny or issue a permit, based on the application documents.
- Announce its decision to either deny or issue a permit by sending a letter to everyone on the mailing list, issuing a public notice in a local newspaper, and broadcasting the announcement over the radio.
- Prepare a fact sheet to explain its decision.
- Provide a minimum 45-day public comment period about its preliminary decision. IDEM may hold a public hearing. If IDEM arranges a hearing, it must announce the time, date and location at least 30 days before the scheduled date, which provides affected residents with an opportunity to submit written and oral comments.
- Review all public comments before making a final decision.
- Issue a final decision to approve or deny a permit. The Notice of Decision will include a summary response to comments including changes that were made to the draft permit.

Permit Modifications

- If a permitted facility needs to change its operation, permit or certain units, it must submit a modification request to IDEM.
- There are three classes of modifications: Class 1, Class 2 and Class 3. The type of modification application required depends on the proposed modification. Class 1 modification is for administrative and insignificant changes, Class 2 modification is for minor and relatively significant changes and Class 3 modification is for major changes, adding additional or new units.

Public Participation

- IDEM notifies everyone on the mailing list regarding class 1 modification.
- Facility needs to hold a public meeting if it is a class 2 modification.
- In case of a Class 3 modification, IDEM follows the steps above for a new application.

These requirements are in 40 CFR 270.42.

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Changing Ownership/Transferring

Changes of ownership or operational control at Resource Conservation and Recovery Act (RCRA) permitted facilities (facilities permitted to treat, store, and/or dispose of hazardous wastes) requires a Class 1 permit modification to identify the new owner (transferee). This modification requires the current owner or operator (permittee) and the new owner or operator (transferee) to submit to IDEM a written agreement specifying the date when the responsibility for compliance with the permit is transferred from the permittee to the transferee. Even after that transfer takes place, the permittee remains financially liable for the facility until the transferee can adequately demonstrate his or her financial responsibility. In addition, the transferee must submit a revised permit application at least 90 days before the date of the transfer in order for IDEM to modify the permit and reissue it to identify the transferee as the new owner/operator. The transferee, or new permittee, also must notify all appropriate units of state and local government and all persons on the IDEM-maintained facility mailing lists within 90 calendar days after the modification is approved. There is no fee for a Class 1 RCRA permit modification.